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## ***Public Utilities Commission of the State of California***

*Steve Larson, Executive Director*

### Headquarters

505 Van Ness Avenue  
San Francisco, CA 94102  
(415) 703-2782

### Southern California Office

320 West 4<sup>th</sup> Street, Suite 500  
Los Angeles, CA 90013  
(213) 576-7000

Website: <http://www.cpuc.ca.gov>

Calendar Archive: [http://www.cpuc.ca.gov/daily\\_calendar\\_archive/](http://www.cpuc.ca.gov/daily_calendar_archive/)

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### **Daily Calendar Tuesday, February 8, 2005**

- Commission Meetings
- Notices
- Subscription Information (Daily Calendar and Agenda)
- Commissioner Office Hours
- Public Meetings and Workshops
- Notice of Draft Resolutions (PU Code § 311(g))
- New Filings
- Petitions for Modification and Applications for Rehearing
- Draft Decisions/Proposed Decisions/Alternates/Presiding Officer's Decisions/ Arbitrator's Reports
- Advice Letter Filings
- Miscellaneous Transportation Items
- Miscellaneous Telecommunication Matters
- Adjournments/Resettings/Hearings Concluded
- Removals from Calendar
- New Settings
- Law and Motion Hearings
- Final Oral Argument
- Hearings
- Notice of Denial of Request for Ex Parte Meeting
- Notice of All-Party Meetings (PU Code §1701.3(c))
- Notice of Ex Parte Communications



**The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities.**

The CPUC encourages all Californians to participate in its meetings, hearings, workshops, and proceedings. We try to hold our public meetings only in places that are wheelchair accessible and which can accommodate specialized equipment and other services useful to people with disabilities. Please see the notice of the meeting you wish to attend for more specifics.

If you plan to attend and need specialized accommodations for a particular meeting that are not listed in the notice, request them from the Public Advisor's Office at least three business days in advance of the meeting. Contact the Public Advisor's Office by any one of the following:

Email: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)  
toll-free: 1-866-849-8390  
Voice: 415-703-2074

FAX: 415-355-5404 (Attn.: Public Advisor)  
TTY: 1-866-836-7825 (toll-free)  
1-415-703-5282

**REGULAR COMMISSION BUSINESS MEETINGS**

February 10, 2005	10:00 am	San Francisco
February 24, 2005	10:00 am	San Francisco
March 17, 2005	10:00 am	San Francisco

**COMMISSION RATESETTING DELIBERATIVE MEETINGS  
(Not Open to the Public)**

*Ratesetting Deliberative Meeting dates are reserved as noted but will only be held if there are ratesetting matters to be considered.*

February 22, 2005	1:30 pm	San Francisco
March 14, 2005	1:30 pm	San Francisco
April 4, 2005	1:30 pm	San Francisco

**OTHER COMMISSION MEETINGS****Full Panel Hearing – R03-04-003 - SB 1563 Broadband**

February 8, 2005 9 am – 4 pm	California Public Utilities Commission 505 Van Ness Avenue, Commission Auditorium (Corner of Van Ness Avenue and McAllister Street) <b>San Francisco</b>
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Order Instituting Rulemaking on the Commission's Own Motion to Comply with the Mandates of Senate Bill 1563 regarding deployment of Advanced Telecommunications Technologies.

The Full Panel Hearing in the above-entitled matter may be held before a quorum of the Commission and Administrative Law Judge Kim Malcolm.

**Public Meeting Notice - Climate Change En Banc**

Climate Change and the IOUs February 23, 2005 9 am – 3:30 pm	California Public Utilities Commission 505 Van Ness Avenue, Commission Auditorium (Corner of Van Ness Avenue and McAllister Street) <b>San Francisco</b>
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The CPUC will hold a public meeting, chaired by President Peevey, on the issue of climate change. The purpose of this meeting will be to move "beyond energy procurement" and to begin to identify best practices for all CPUC regulated companies (electric, natural gas, telecommunications, water, and transportation). Opportunities to reduce greenhouse gas emissions related to business operations include fleet vehicle efficiency, building efficiencies, and overall reduction of energy consumption. The U.S. is the world's largest greenhouse gas emitter and is responsible for approximately 25% of the world's emissions. California policymakers and businesses have the opportunity to proactively address this issue, to demonstrate effective leadership, and to make a significant contribution to emissions reduction. Invited presenters include representatives from the academic, research, business, insurance, shareholder activist, and state government organizations. Business and industry leaders will also be asked to respond to a recent CPUC summary paper on the subject. In addition, the IOUs should be prepared to present their current and anticipated efforts to address climate change. Information about the meeting, including a link to the discussion paper and the agenda are posted at [www.cpuc.ca.gov/static/industry/electric/climate+change/index.htm#meeting](http://www.cpuc.ca.gov/static/industry/electric/climate+change/index.htm#meeting) and can also be found on the CPUC's homepage at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). All utilities are asked to RSVP to confirm their attendance and to discuss their presentations. To RSVP, and for further information, please contact Lainie Motamedi, CPUC Division of Strategic Planning, at (415) 703-1764 or [lrn@cpuc.ca.gov](mailto:lrn@cpuc.ca.gov).

**NOTICES**

**Central Files Revised Office Hours**

Starting May 24, 2004, the Central Files Office will be open for business from 8 a.m. to 12 noon only.

**Delivery of Formal Pleadings for Filing**

Unless otherwise directed, all courier-delivered documents submitted for filing as part of the formal record in a proceeding should be taken directly to the Commission's lobby, 505 Van Ness Avenue in San Francisco; Suite 500, 320 West 4<sup>th</sup> Street in Los Angeles; or Room 4006, 1350 Front Street in San Diego. All documents sent through the mail for formal filing should be addressed ONLY to the Commission's Docket Office, Room 2001, 505 Van Ness Avenue, San Francisco, CA 94102.

**Charge for Commission Documents**

To purchase Commission documents, there is a charge of 20 cents a printed page (postage prepaid) with a minimum purchase of \$2.00.

**Commission Resources Available for Rental**

The auditorium, hearing rooms and training room at the headquarters of the California Public Utilities Commission, located at 505 Van Ness Avenue, San Francisco, are available for rent. Further information about requirements and fees can be obtained by contacting Colette Kondo at (415) 703-1401.

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**SUBSCRIPTION INFORMATION****Subscription to Daily Calendar, Commission Meeting Agenda, and Draft Agenda Items**

For information contact: California Public Utilities Commission  
Attention: Poly Arca  
505 Van Ness Avenue, Room 1003  
San Francisco, CA 94102  
Phone: (415) 703-1798  
Email: pol@cpuc.ca.gov

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**COMMISSIONER OFFICE HOURS**

NONE

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**PUBLIC MEETING & WORKSHOPS****Full Panel Hearing – R03-04-003 - SB 1563 Broadband**

February 8, 2005 9 am – 4 pm	California Public Utilities Commission 505 Van Ness Avenue, Commission Auditorium (Corner of Van Ness Avenue and McAllister Street) San Francisco
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Order Instituting Rulemaking on the Commission's Own Motion to Comply with the Mandates of Senate Bill 1563 regarding deployment of Advanced Telecommunications Technologies.  
The Full Panel Hearing in the above-entitled matter may be held before a quorum of the Commission and Administrative Law Judge Kim Malcolm.

**Public Meeting Notice – Public Payphone Programs**

Payphone Service Providers Advisory Committee February 8, 2005 10 am – 1 pm	California Public Utilities Commission 505 Van Ness Avenue, Room 2204 (Corner of Van Ness Avenue and McAllister Street) San Francisco
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The Payphone Service Providers Advisory Committee will hold a meeting to address the following:

**PUBLIC MEETING AGENDA**

1. Meeting Overview, 2. Public Input, 3. Review of Minutes from 10/26/04 Meeting, 4. Unfinished Business: a. Execution of PSPC Charter as revised by D04-05-032, b. Follow-up on PPPP Applications, c. Gina Cortez-Watkins, 5. PSPE/PPPP/TPIC Program Financials, 6. PPPP Discussion of New Applications, 7. PSPE Discussion: a. Payphone Inspections Report, b. 2004 Payphone Line Count Report, 8. New items for future agenda, and 9. Date of next meeting.

**Meeting Information:** For more information, please contact Moira Simmerson, PSPC liaison at (415) 703-2452 voice or 1 (800) 229-6846 TTY.

**Accessibility Notice:** If you plan to attend and need specialized accommodations for this meeting, such as Deaf/Hearing Impaired sign language services, contact the Commission's Public Advisor's Office by any of the following:

Email: Public.advisor@cpuc.ca.gov FAX: 415-355-5404 (Attn.: Public Advisor)  
Toll-free: 1-866-849-8390 TTY: 1-866-836-7825 (toll-free)  
Voice: 415-703-2074 1-415-703-5282

**Public Input Workshop – Storm and Electric Reliability Issues (A02-11-017, I03-01-012, and A02-09-005)**

February 8, 2005 10 am – 4 pm	California Public Utilities Commission 505 Van Ness Avenue, Training Room (Corner of Van Ness Avenue and McAllister Street) <b>San Francisco</b>
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The Commission has scheduled this workshop to solicit public input in storm and electric reliability issues; namely, the definitions of Excludable Major Event, Major Outage, and Measured Event, as well as the restoration performance standard included in Standard 12 of General Order (GO) 166.

Energy Division will summarize any pre-workshop comments that reach us by January 31, 2005, and make them available before or at the workshop to facilitate progress at the day of the workshop. Summarized comments to facilitate discussions will not be attributed to any party in order to encourage a broad and open discussion.

Attendees are to email confirmation of plans to attend this workshop to David K. Lee by January 31, 2005, if possible; include each attendee's name, title and company.

This location is wheelchair accessible. The workshop is open to the public. Questions and comments regarding the workshop should be addressed to David K. Lee at dkl@cpuc.ca.gov or 415-703-1137.

**Workshop Notice – R04-04-003 (Resource Adequacy – Phase 2) (REVISED as of 1/6/05)**

February 8, 2005 10 am	California Public Utilities Commission 505 Van Ness Avenue, Commission Courtroom (Corner of Van Ness Avenue and McAllister Street) <b>San Francisco</b>
and	
February 9, 2005 10 am	

Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning.

The workshop in the above-entitled matter will be held before Administrative Law Judge Mark S. Wetzell or advisory staff.

**Public Meeting Notice – Deaf and Disabled Telecommunications Program**

Deaf and Disabled Telecommunications Program Annual Joint Committee Meeting February 9, 2005 9 am – 5:30 pm	Clarion at Oakland Airport 500 Hegenberger Road <b>Oakland</b>
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The Deaf and Disabled Telecommunications Program will hold a joint meeting of the Telecommunications Access for the Deaf and Disabled Administrative Committee (TADDAC), California Relay Service Advisory Committee (CRSAC), and the Equipment Program Advisory Committee (EPAC).

**PUBLIC MEETING AGENDA**

Morning Session: I. New Member Orientation and optional refresher for other committee members, II. Opening Remarks and Introduction of Committee Members, III. Commentary Peter Arth, Chief of Staff to President Peevey, IV. Commentary Steve Larson, Executive Director of the CPUC, Laura Doll, Assistant Executive Director CPUC, V. Michael Katz (keynote speaker), Director of the Center for Telecommunications and Digital Convergence at the Haas School of Business at UC Berkeley, and VI. Reports from the Committee Chairs of TADDAC, CRSAC, and EPAC, including a discussion of each Committee's goals for the coming year.

**Afternoon Session:** VII. CRS II and CapTel, VIII. Facilitated Committee Member discussion based upon the Committee Member Survey results. Facilitated by Hazlyn Fortune of the CPUC, and TADDAC Committee Member, and IX. Break - DDTP 25th year Silver Anniversary Celebration.

Refreshments will be served, X. A financial overview and primer on the CPUC draft budget resolution process. Facilitated by Ed Quan, Information and Management Services Division of the CPUC, and Jack Leutza, Telecommunication Division of the CPUC, XI. Closing remarks and Commemoration recognition for the 25th year Silver Anniversary of the DDTP, XII. Conflict of Interest review, and XIII. New Member Orientation and optional refresher for other committee members.

**Meeting Information:** For more information, please contact Jane Elin, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.

**Environmental Notice:** People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

**Workshop Notice – R04-10-010**

February 9, 2005 10 am	California Public Utilities Commission 505 Van Ness Avenue, Commission Courtroom (Corner of Van Ness Avenue and McAllister Street) San Francisco
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Rulemaking to Set Hourly Rates for Purposes of Calculating Intervenor Compensation Awards, Pursuant to Public Utilities Code Section 1801 and Following, for Work Performed in Calendar Year 2005. The workshop in the above-entitled matter will be held before Administrative Law Judge Steve Kotz.

**Public Meeting Notice – Deaf and Disabled Telecommunications Program**

Equipment Program Advisory Committee (EPAC) February 10, 2005 10:45 am – 4 pm	Deaf & Disabled Telecommunications Program Offices 505 14 <sup>th</sup> Street, Suite 400 Conference Room Oakland
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The EPAC of the Deaf and Disabled Telecommunications Program will hold a meeting to address the following:

I. Appointment of February 10th Meeting Chair **CLOSED SESSION**, EPAC will meet in closed session as pursuant to Section 11126 (a)(1) of the Bagley-Keene Open Meeting Act, to consider nominees for committee appointment as the representative for the Disabled Seat community, 9:15 a.m. – 10:45 p.m.: Interview of Nominees for Disabled Seat, A. 9:15 a.m. Candidate # 1, B. 10:00 a.m. Candidate # 2, Adjournment of Closed Session, Public Meeting Agenda: 10:45 a.m. - 4:00 p.m. EPAC Re-convenes Open Session, II. Agenda Modification and Approval, III. CCAF Staff Reports, A. Consumer Affairs Report, B. Customer Contact Report, C. Field Operations Report, D. Marketing Report, E. Outreach Report, F. CRS Report, IV. Administrative Business, A. Report from the Chair/TADDAC Liaison, B. Review of Action List Items, C. Review of Minutes from January EPAC meeting, D. Election of Chair and Vice Chair, V. CPUC Liaison Report, VI. Public Input, VII. Equipment Program Manager's Report, VIII. Discussion of Role and Scope of EPAC, IX. Discussion of Expansion of Certifying Agents List, X. Non-voting Liaison Report, XI. Presentation from CPUC on equipment procurement process, XII. Discussion of Amending Equipment to Program Supply List, XIII. Discussion of the Standards and Assessment Guidelines for DDTP Advisory Committees, XIV. Legislation, Rulings and Decisions Pertaining to the DDTP, XV. Expanding Program Technology, and XVI. Other Business.

A. Member Reports, B. Requests for invention, C. Suggested items for next month's agenda, and D. Future meetings.

**Meeting Information:** For more information, please contact Jane Elin, DDTP Committee Coordinator at (510) 302-1100 x110 voice or (510) 302-1118 TTY.)

**Environmental Notice:** People with environmental illness or multiple chemical sensitivities must reduce their exposure in order to attend this meeting. Please refrain from wearing perfumes or scents to DDTP meetings.

**Workshop Notice – R01-08-028: Updated Policy Rules for Post-2005 Energy Efficiency Programs**

February 15, 2005	California Public Utilities Commission
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9:30 am - 5 pm	505 Van Ness Avenue, Commission Training Room (Corner of Van Ness Avenue and McAllister Street)
and	<b>San Francisco</b>
February 16, 2005	
9:30 am - 5 pm	

Order Instituting Rulemaking to Examine the Commission's Future Energy Efficiency Policies, Administration, and Programs.

A two-day workshop in the above-entitled matter will be held before Administrative Law Judge (ALJ) Meg Gottstein. For more information, contact ALJ Meg Gottstein at meg@cpuc.ca.gov.

**Workshop Notice - R04-01-025: Natural Gas Quality Specifications**

February 17, 2005	California Public Utilities Commission
10 am - 4 pm	505 Van Ness Avenue, Commission Auditorium (Corner of Van Ness Avenue and McAllister Street)
and	<b>San Francisco</b>
February 18, 2005	
9 am - 4 pm	

Decision 04-09-022 states that the CPUC should coordinate with the California Energy Commission to examine gas quality issues in a technical workshop. This workshop will address the natural gas quality specification issues that were raised in Order Instituting Rulemaking (R) 04-01-025, and certain issues presented in the California Energy Commission's 2003 Integrated Energy Policy Report, docket number 04-IEP-1. This workshop is to be conducted jointly under the auspices of California Public Utilities Commission and California Energy Commission, with the collaboration of Air Resources Board and California Department of Conservation - Division of Oil, Gas, and Geothermal Resources.

Audio from this workshop will be broadcast over the Internet and comments and presentations will be posted on both CPUC's and CEC's web sites: [www.cpuc.ca.gov](http://www.cpuc.ca.gov) and [www.energy.ca.gov/webcast/](http://www.energy.ca.gov/webcast/).

Participants desiring to make a presentation are requested to contact the CPUC and Energy Commission, as indicated below, by February 7, 2005, and provide copies of their presentations by February 15, 2005, so they can be loaded on the CPUC's and Energy Commission's websites for remote viewing. Participants are encouraged to provide their presentations in a PowerPoint or equivalent format to: David Effross, at DRE@cpuc.ca.gov and Mike Purcell at mpurcell@energy.state.ca.us. CPUC and Energy Commission staff will afterwards prepare and file a report with recommendations to both the CPUC and Energy Commission. This workshop report will be filed April 4, 2005. Interested parties may file comments on the workshop report on or before April 25, 2005.

**Public Meeting Notice - Climate Change En Banc**

Climate Change and the IOUs	California Public Utilities Commission
February 23, 2005	505 Van Ness Avenue, Commission Auditorium (Corner of Van Ness Avenue and McAllister Street)
9 am - 3:30 pm	<b>San Francisco</b>

The CPUC will hold a public meeting, chaired by President Peevey, on the issue of climate change. The purpose of this meeting will be to move "beyond energy procurement" and to begin to identify best practices for all CPUC regulated companies (electric, natural gas, telecommunications, water, and transportation). Opportunities to reduce greenhouse gas emissions related to business operations include fleet vehicle efficiency, building efficiencies, and overall reduction of energy consumption. The U.S. is the world's largest greenhouse gas emitter and is responsible for approximately 25% of the world's emissions. California policymakers and businesses have the opportunity to proactively address this issue, to demonstrate effective leadership, and to make a significant contribution to emissions reduction. Invited presenters include representatives from the academic, research, business, insurance, shareholder activist, and state government organizations. Business and industry leaders will also be asked to respond to a recent CPUC summary paper on the subject. In addition, the IOUs should be prepared to present their current and anticipated efforts to address climate change. Information about the meeting, including a link to the discussion paper and the agenda are posted at [www.cpuc.ca.gov/static/industry/electric/climate+change/index.htm#meeting](http://www.cpuc.ca.gov/static/industry/electric/climate+change/index.htm#meeting) and can also be found on the CPUC's homepage at [www.cpuc.ca.gov](http://www.cpuc.ca.gov). All utilities are asked to RSVP to confirm their attendance and to discuss their presentations. To

RSVP, and for further information, please contact Lainie Motamedi, CPUC Division of Strategic Planning, at (415) 703-1764 or lrm@cpuc.ca.gov.

**Workshop Notice – R04-04-003: Procurement Incentive Framework**

March 7, 2005 9:30 am – 5 pm  through  March 9, 2005 9:30 am – 5 pm	Milton Marks Conference Center, San Diego Rooms Hiram W. Johnson State Office Building 455 Golden Gate Avenue San Francisco
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Per the November 23, 2004 ruling of Judge Gottstein in this proceeding, a three-day workshop will be held on the issue of Procurement Incentive Framework.

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**NOTICE OF DRAFT RESOLUTIONS  
(Pursuant to PU Code § 311(g))**

**Resolution No. T-16895. To Establish the Deaf and Disabled Telecommunications Equipment and Service Program (Public Utilities Code Section 2881, Et Seq.) 2005-2006 Fiscal Year Budget Pursuant to Decision No. 89-05-060**

Resolution T-16895 recommends a budget of \$66.8 million for Fiscal year 2005-2006 for the Deaf and Disabled Telecommunications Program and grants the Executive Director the authority to enter into contracts to expand and extend captioned telephone service.

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**NEW FILINGS**

- |         |  |
|---------|--|
| 1/24/05 | <b>A05-01-033</b> - Hillview Water Company (U 194-W), to borrow \$1,800,000 and to issue a note under Sections 816 - 830 of the Public Utilities Code.   |
| 2/1/05  | <b>A05-02-004</b> - Southern California Water Company, for authorization to increase rates charged for water service by \$18,972,300 or 24.17% in 2006; by \$1,534,500 or 1.57% in 2007; and by \$1,493,900 or 1.50% in 2008 in its Region III Service Area. |
| 2/2/05  | <b>A05-02-003</b> - Expedient Carrier Services, LLC, for a Certificate of Public Convenience and Necessity to provide interLATA and intraLATA interexchange services and competitive Local Exchange Services.  |
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**PETITIONS FOR MODIFICATION AND APPLICATIONS FOR REHEARING**

**NONE**

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**DRAFT DECISIONS \* PROPOSED DECISIONS \* ALTERNATES \* PRESIDING OFFICER'S DECISION \*  
ARBITRATOR'S REPORTS**

**NONE**

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**ADVICE LETTER FILINGS****NONE**

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**MISCELLANEOUS TRANSPORTATION ITEMS  
Filings with Consumer Protection and Safety Division**

12/06/04	TCP 18359-B	Intrnational Limousine Inc. Attn: Marisol Lopez, Pres. Mailing Address: 2740 East Ist St, National City CA 91950; Terminal Address: Same; Tel. No: 619-479-4973; Application filed for Class B Charter-Party authority.
01/25/05	TCP 18529-A	Santour LLC Attn: Haji Moradi, Pres; Mailing Address: 1065 Bay Blvd Ste C, Chula Vista CA 91911; Terminal Address: Same; Te No: 619-591-0303; Application filed for Class A Charter-Party authority.
01/25/05	TCP 18533-B	Chilos Tours Inc., DBA Chilos Tours; Mailing Address: 920 1/2 N Rowan, Los Angeles CA 90063; Mailing Address: 700 E/ 59th Street, Los Angeles CA 90001; Tel. No: 323- 526-4120; Application filed for Class B Charter-Party authority.
01/31/05	TCP 18543-B	Samuel and Catalina Rochela DBA S and C Tours and Charter; Mailing Address: 3015 Budau ave., Los Angeles CA 90032; Terminal Address: 700 59th Street, Los Angeles CA 90001; Tel No: 323-225-0261; Application filed for Class B Charter-Party authority.
01/28/05	TCP 18546-A	California Overland LLC; Attn: Joseph Raffetto, Pres.; Mailing Address: P O Box 567, Borrego Springs CA 92004; Terminal Address: 1233 Palm Canyon Dr., Borrego Springs CA 92004; Tel. No: 866-639-7567; Application filed for Class A Charter-Party authority.

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**MISCELLANEOUS TELECOMMUNICATION MATTERS****NONE**

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**TABLE OF SUBMISSION DATES FOR THE PRECEDING TWO WEEKS****NONE**

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**ADJOURNMENTS \* RESETTINGS \* HEARINGS CONCLUDED**



ALJ O'Donnell     **A.04-02-026** - Application of Southern California Edison Company (U 338-E) for Authorization: (1) to Replace San Onofre Nuclear Generating Station Unit Nos. 2 & 3 (SONGS 2 & 3) Steam Generators; (2) Establish Ratemaking for Cost Recovery; and (3) Address Other Related Steam Generator Replacement Issues,  
**Evidentiary Hearing held and continued to February 8**

ALJ Mattson     **A.04-06-024** - Application of Pacific Gas and Electric Company To Revise Its Electric Marginal Costs, Revenue Allocation, and Rate Design U 39 M,  
**Public Participation Hearing in Tulare held and concluded**

ALJ Thorson     **A.04-11-004** - Application of Union Pacific Railroad Company, Keene Water System (0434W), For Authorization to Increase Rates and For Interim Rate Relief,  
**Public Participation Hearing in Keene held and concluded**

ALJ Vieth     **C.04-12-023** - Kenneth and Jennifer Marsden, Complainants, vs. Pacific Gas and Electric Company, Defendant,  
**Prehearing Conference held and concluded**

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**REMOVALS FROM CALENDAR**

NONE

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**NEW SETTINGS**

**4/26/05**     **C.04-12-023 (EH)** - Kenneth and Jennifer Marsden, Complainants, vs. Pacific Gas and Electric  
9:00 a.m.     Company, Defendant,  
ALJ Vieth     **Commission Courtroom, San Francisco**  
Comr Peevey

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**LAW AND MOTION**

Law and Motion Hearings are held before Administrative Law Judges Hallie Yacknin and John E. Thorson at 10:00 a.m. in one of the Commission's San Francisco Office Hearing Rooms, unless otherwise noted. Law and Motion procedures are governed by Resolution ALJ 164. Copies of Resolution ALJ 164 are available from the Commission's Documents Desk (415) 703-1713 or from Central Files (415) 703-2045.

**2/14/05**     NONE SCHEDULED  
10:00 a.m.

**2/21/05**     NONE SCHEDULED  
10:00 a.m.

**2/28/05**     NONE SCHEDULED  
10:00 a.m.

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**FINAL ORAL ARGUMENTS (FOA)**

NONE

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**HEARINGS**

Dates in parentheses following the word “also” are subject to change without notice. The assigned Commissioner’s name is listed next to the proceedings as matter of record; the assigned Commissioner may not be present at the hearing.

*(PHC) = Prehearing Conference*  
*(EH) = Evidentiary Hearing*  
*(PPH) = Public Participation Hearing*  
*(IAM) = Initial Arbitration Meeting*  
*(M) = Mediation*

*(ECP) = Expedited Complaint Procedure*  
*(OSC) = Order to Show Cause*  
*(WS) = Workshop*  
*(FPH) = Full Panel Hearing*  
*(AH) = Arbitration Hearing*

*(CA) = Closing Argument*  
*(LM) = Law & Motion*  
*(OA) = Oral Argument*

- 2/8/05**  
 9:00 a.m. –  
 4:00 p.m.  
 ALJ Malcolm  
 Comr Kennedy  
**R.03-04-003 (FPH)** - Order Instituting Rulemaking on the Commission’s Own Motion to Comply with the Mandates of Senate Bill 1563 regarding deployment of Advanced Telecommunications Technologies,  
**Commission Auditorium, San Francisco**
- 2/8/05**  
 9:30 a.m.  
 ALJ O’Donnell  
 Comr Brown  
**A.04-02-026 (EH)** - Application of Southern California Edison Company (U 338-E) for Authorization: (1) to Replace San Onofre Nuclear Generating Station Unit Nos. 2 & 3 (SONGS 2 & 3) Steam Generators; (2) Establish Ratemaking for Cost Recovery; and (3) Address Other Related Steam Generator Replacement Issues,  
**Commission Courtroom, San Francisco**  
**(also February 9 – 11)**
- 2/8/05**  
 10:00 a.m.  
 ALJ Wetzell  
 Comr Peevey  
**R.04-04-003 (WS) (Resource Adequacy – Phase 2)** - Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning,  
**Commission Courtroom, San Francisco**  
**(also February 9 and February 16)**
- 2/9/05**  
 10:00 a.m.  
 ALJ Kotz  
 Comr Peevey  
**R.04-10-010 (WS)** - Rulemaking to Set Hourly Rates for Purposes of Calculating Intervenor Compensation Awards, Pursuant to Public Utilities Code Section 1801 and Following, for Work Performed in Calendar Year 2005,  
**Commission Courtroom, San Francisco**
- 2/10/05**  
 10:00 a.m.  
 ALJ Malcolm  
 Comr Brown  
**A.04-07-044 (EH)** - Application of Pacific Gas and Electric Company to Revise its Gas Rates and Tariffs to be Effective July 1, 2005 (U 39 G),  
**Commission Courtroom, San Francisco**  
**(also February 11; February 14 – 16; and March 8 at 9:00 a.m.)**
- 2/15/05**  
 9:30 a.m.  
 ALJ Gottstein  
 Comr Kennedy  
**R.01-08-028 (WS)** - Order Instituting Rulemaking to Examine the Commission’s Future Energy Efficiency Policies, Administration, and Programs,  
**Commission Training Room, San Francisco**  
**(also February 16)**
- 2/17/05**  
 10:00 a.m.  
 ALJ Barnett  
**C.04-10-020 (ECP)** - Nick J. Constantinides, Complaint, vs. Bear Valley Electric Services, Defendant,  
**San Bernardino State Building, 464 West Fourth Street, 7<sup>th</sup> Floor, Room 718, San Bernardino, CA**
- 2/17/05**  
 10:30 a.m.  
 ALJ Long  
 Comr Kennedy  
**A.04-12-003 (PHC)** - Application of SOUTHERN CALIFORNIA EDISON (U 338-E) for Authorization to Recover Costs Recorded in the Catastrophic Events Memorandum Account,  
**Commission Courtroom, San Francisco**

- 2/18/05**  
10:00 a.m.  
ALJ Fukutome  
Comr Brown  
**A.04-12-014 (PHC)** - Application of Southern California Edison Company (U 338-E) for Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service In 2006, And to Reflect That Increase In Rates,  
**Commission Courtroom, San Francisco**
- 2/18/05**  
11:00 a.m.  
ALJ Barnett  
**C.04-10-027 (ECP)** - Sotelo Car Care, Inc., Complainant, vs. Nextel of California, Inc., Defendant,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
- 2/18/05**  
12:00 p.m.  
ALJ Barnett  
**C.04-12-013 (ECP)** - Paul W. Hillseth, Complainant, vs. Southern California Edison Company, Defendant,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
- 2/18/05**  
1:00 p.m.  
ALJ Barnett  
**C.04-12-011 (ECP)** - James Ahn, Complainant, vs. Southern California Gas Company, Defendant,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
- 2/24/05**  
10:00 a.m.  
ALJ Cooke  
Comr Peevey  
**A.05-01-016 (PHC)** - Application of Pacific Gas and Electric Company for Authority to Implement Default CPP Rate Options For Large Customers, and  
**A.05-01-017** - Application of San Diego Gas & Electric Company (U 902-E) for Adoption of a 2005 Default Critical Peak Pricing Structure for Commercial and Industrial Customers With Peak Demands Exceeding 300kW, and  
**A.05-01-018** - Southern California Edison Company's (U 338-E) Application for Approval of Rate Design Proposal for Large Customers,  
**Commission Courtroom, San Francisco**
- 2/25/05**  
9:00 a.m.  
ALJ Cooke  
Comr Peevey  
**A.05-01-016 (EH)** - Application of Pacific Gas and Electric Company for Authority to Implement Default CPP Rate Options For Large Customers, and  
**A.05-01-017** - Application of San Diego Gas & Electric Company (U 902-E) for Adoption of a 2005 Default Critical Peak Pricing Structure for Commercial and Industrial Customers With Peak Demands Exceeding 300kW, and  
**A.05-01-018** - Southern California Edison Company's (U 338-E) Application for Approval of Rate Design Proposal for Large Customers,  
**Commission Courtroom, San Francisco**  
**(also February 28 - March 4)**
- 2/28/05**  
10:00 a.m.  
ALJ McVicar  
Comr Kennedy  
**A.04-08-012 (EH)** - In the Matter of the Application of California-American Water Company for Authority Pursuant to Public Utilities Code Section 454 to Restructure and Consolidate its Rates for its Monterey and Felton Districts,  
**Commission Courtroom, San Francisco**  
**(also March 1 – 4)**
- 3/1/05**  
10:00 a.m.  
ALJ Vieth  
Comr Peevey  
**A.03-10-057 (PHC)** - In the Matter of the Application of the SOUTHERN CALIFORNIA WATER COMPANY (U 133 W) for an order authorizing it to increase rates for water service in 2004 in its Region 1 Customer Service Areas by \$179,200 or 2.62% in the Arden-Cordova CSA; \$93,400 or 1.98% in the Bay Point CSA; and \$115,900 or 4.55% in the Ojai CSA; and various other relief,  
**Commission Courtroom, San Francisco**
- 3/1/05**  
10:00 a.m.  
ALJ Koss  
Comr Peevey  
**C.04-06-032 (EH)** - E. Dennis Geary, Trustee of the Geary Family Trust Under Declaration of Trust Dated October 9, 1990, Complainant, vs. North County Transit District and Versaform Corporation, Defendants,  
**San Diego State Office Building, 1350 Front Street, Room B-107, San Diego, CA**  
**(also March 2)**

- 3/7/05**  
10:00 a.m.  
ALJ Galvin  
Comr Kennedy  
**A.03-12-008 (EH)** - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing treatment of net proceeds from real property sales as subject to Public Utilities Code § 790 and for establishment of memorandum accounts to record net sales proceeds, and  
**A.04-08-017** - In the Matter of the Application of CALIFORNIA WATER SERVICE COMPANY (U 60 W), a corporation, for an order authorizing replacement of the operations center and customer center in the Chico District and treatment of their net sale proceeds as subject to Public Utilities Code § 790,  
**Commission Courtroom, San Francisco**  
**(also March 8)**
- 3/10/05**  
10:00 a.m.  
ALJ Patrick  
**C.05-01-028 (ECP)** - Billy Wayne French, Complainant, vs. Pacific Gas and Electric Company, Defendant,  
**State Personnel Board, 801 Capitol Mall, Room 141, Sacramento, CA**
- 3/14/05**  
9:00 a.m.  
ALJ Vieth  
Comr Peevey  
**A.03-10-057 (EH)** - In the Matter of the Application of the SOUTHERN CALIFORNIA WATER COMPANY (U 133 W) for an order authorizing it to increase rates for water service in 2004 in its Region 1 Customer Service Areas by \$179,200 or 2.62% in the Arden-Cordova CSA; \$93,400 or 1.98% in the Bay Point CSA; and \$115,900 or 4.55% in the Ojai CSA; and various other relief,  
**Commission Courtroom, San Francisco**  
**(also March 15 – 16)**
- 3/14/05**  
10:00 a.m.  
ALJ Brown  
Comr Brown  
**A.04-03-008 (EH)** - Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Otay Mesa Power Purchase Agreement Transmission Project,  
**Commission Courtroom, San Francisco**  
**(also March 15 – 18)**
- 3/14/05**  
11:00 a.m.  
ALJ Malcolm  
Comr Peevey  
**R.03-08-018 (PHC)** - Order Instituting Rulemaking to Review Policies Concerning Intrastate Carrier Access Charges,  
**Commission Courtroom, San Francisco**
- 3/15/05**  
1:30 p.m.  
ALJ Walker  
Comr Kennedy  
**A.04-07-001 (PHC)** - Application of the San Luis Obispo County Public Works Department for an order authorizing construction of an at-grade pedestrian crossing in San Miguel, California crossing Union Pacific Railroad in the vicinity of 16<sup>th</sup> Street, County of San Luis Obispo,  
**Commission Courtroom, San Francisco**
- 3/16/05**  
10:00 a.m.  
ALJ DeBerry  
Comr Peevey  
**A.04-09-028 (EH)** - In the Matter of Application of California Water Service Company (U 60 W), a corporation, for an order authorizing it to increase rates charged for water service in the Chico District by \$2,614,975 or 24.20% in fiscal 2005-2006, by \$603,000 or 4.46% in fiscal 2006-2007, and by \$603,000 or 4.27% in fiscal 2007-2008, and  
Related Matters:  
**A.04-09-029**  
**A.04-09-030**  
**A.04-09-031**  
**A.04-09-032**  
**A.04-09-033**  
**A.04-09-034**  
**A.04-09-035**  
**Commission Courtroom, San Francisco**  
**(also March 17 – 18 and March 21 – 22)**
- 3/18/05**  
12:00 noon  
ALJ Barnett  
**C.05-01-021 (ECP)** - Paul Merritt Christiansen, Complainant, vs. SBC Pacific Bell, Defendant,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**

- 3/23/05**  
10:00 a.m.  
ALJ DeBerry  
Comr Kennedy  
**A.04-07-033 (EH)** - In the Matter of the Application of Silverado Stages, Inc. for authority to operate as a passenger stage corporation between points in San Luis Obispo and Santa Barbara Counties and the Los Angeles International Airport and the ports of San Pedro and Long Beach and to establish a Zone of Rate Freedom,  
**Commission Courtroom, San Francisco**  
**(also March 24 – 25)**
- 3/23/05**  
10:00 a.m.  
ALJ Walker  
Comr Brown  
**C.04-10-008 (EH)** - Color Marble Inc., Complainant, vs. Southern California Edison Company, Defendant,  
**Commission Courtroom, State Office Building, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles, CA**
- 3/28/05**  
10:00 a.m.  
ALJ Malcolm  
Comr Peevey  
**R.03-08-018 (EH)** - Order Instituting Rulemaking to Review Policies Concerning Intrastate Carrier Access Charges,  
**Commission Courtroom, San Francisco**  
**(also March 29 – 30 at 9:00 a.m.)**
- 3/30/05**  
3:00 p.m.  
ALJ Malcolm  
Comr Peevey  
**R.03-10-003 (PHC)** - Order Instituting Rulemaking to Implement Portions of AB 117 Concerning Community Choice Aggregation,  
**Commission Courtroom, San Francisco**
- 4/5/05**  
10:00 a.m.  
ALJ McKenzie  
Comr Brown  
**A.04-11-007 (EH)** - Application of Pacific Gas and Electric Company (U 39 E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service, and  
**A.04-11-008** - Application of Southern California Edison Company (U 338-E) for Rate and Line Extension Incentives for Conversion of Stationary Agricultural Internal Combustion Equipment to Electric Service,  
**Commission Courtroom, San Francisco**  
**(also April 6 – 8)**
- 4/12/05**  
10:00 a.m.  
ALJ McKenzie  
Comr Kennedy  
**C.04-10-024 (EH)** - Pac-West Telecomm, Inc., Complainant, vs. AT&T Communications of California, Inc., Teleport Communications Group of San Francisco, Teleport Communications Group of Los Angeles, and Teleport Communications Group of San Diego, Defendants,  
**Commission Courtroom, San Francisco**  
**(also April 13 – 15)**
- 4/11/05**  
9:00 a.m. –  
12:00 p.m.  
ALJ Thorson  
Comr Peevey  
**A.04-11-004 (PHC)** - Application of Union Pacific Railroad Company, Keene Water System (0434W), For Authorization to Increase Rates and For Interim Rate Relief,  
**Commission Courtroom, San Francisco**
- 4/12/05**  
10:00 a.m.  
ALJ Barnett  
Comr Brown  
**A.04-11-003 (EH)** - Application of San Diego Gas and Electric Company (U 902-E) for Adoption of Cost Recovery and Ratemaking Mechanisms Relative to SDG&E's Acquisition and Operation of the Palomar Energy Center,  
**Commission Courtroom, San Francisco**  
**(also April 13)**
- 4/19/05**  
10:00 a.m.  
ALJ Walker  
Comr Kennedy  
**A.04-02-031 (EH)** - Application of the City of Gridley to remove the Laurel Street crossing of the Union Pacific Railroad Company tracks and construct a new crossing in the City of Gridley, County of Butte,  
**Commission Courtroom, San Francisco**  
**(also April 20 – 21)**

**4/20/05** **A.04-07-042 (EH)** - In the matter of the Application of Hillview Water Company (U 194-W) for authority to increase rates: In 2004 \$251, 233, or 28.32% above the revenues generated by present rates,  
9:00 a.m. **Commission Courtroom, San Francisco**  
ALJ Vieth **(also April 21 – 22, if needed)**  
Comr Kennedy

**4/25/05** **A.04-11-004 (EH)** - Application of Union Pacific Railroad Company, Keene Water System (0434W), For  
8:00 a.m. – Authorization to Increase Rates and For Interim Rate Relief,  
4:00 p.m. **Commission Courtroom, San Francisco**  
ALJ Thorson **(also April 26 at 9 a.m. – 4:00 p.m.)**  
Comr Peevey

**4/26/05** **C.04-12-023 (EH)** - Kenneth and Jennifer Marsden, Complainants, vs. Pacific Gas and Electric Company,  
9:00 a.m. Defendant,  
ALJ Vieth **Commission Courtroom, San Francisco**  
Comr Peevey

**4/26/05** **A.04-07-018 (EH)** - In the Matter of the Application of SOUTHERN CALIFORNIA WATER  
10:00 a.m. COMPANY (U 133-W), for an Order pursuant to Public Utilities Code Section 851 approving a  
ALJ Fukutome Reallocation Agreement with the City of Folsom, as directed by D.04-04-069,  
Comr Peevey **Commission Courtroom, San Francisco**  
**(also April 27 – 28)**

**4/26/05** **R.04-04-003 (PHC)** - Order Instituting Rulemaking to Promote Policy and Program Coordination and  
10:00 a.m. Integration in Electric Utility Resource Planning,  
ALJ Brown **Commission Courtroom, San Francisco**  
Comr Peevey

**4/27/05** **R.04-04-025 (PHC)** - Order Instituting Rulemaking to Promote Consistency in Methodology and Input  
10:00 a.m. Assumptions in Commission Applications of Short-Run and Long-run Avoided Costs, Including Pricing  
ALJ Halligan for Qualifying Facilities,  
Comr Kennedy **Commission Courtroom, San Francisco**

**5/2/05** **R.04-04-025 (EH)** - Order Instituting Rulemaking to Promote Consistency in Methodology and Input  
9:00 a.m. Assumptions in Commission Applications of Short-Run and Long-run Avoided Costs, Including Pricing  
ALJ Halligan for Qualifying Facilities,  
Comr Kennedy **Commission Courtroom, San Francisco**  
**(also May 3 – 6 and May 9 – 13)**

**5/17/05** **A.04-06-024 (PHC)** - Application of Pacific Gas and Electric Company To Revise Its Electric Marginal  
10:00 a.m. Costs, Revenue Allocation, and Rate Design U 39 M,  
ALJ Mattson **Commission Courtroom, San Francisco**  
Comr Peevey

**5/23/05** **A.04-06-024 (EH)** - Application of Pacific Gas and Electric Company To Revise Its Electric Marginal  
9:00 a.m. Costs, Revenue Allocation, and Rate Design U 39 M,  
ALJ Mattson **Commission Courtroom, San Francisco**  
Comr Peevey **(also May 24 – 27; May 30 – June 3; and June 6 – 10)**

**5/23/05** **R.03-10-003 (EH)** - Order Instituting Rulemaking to Implement Portions of AB 117 Concerning  
10:00 a.m. Community Choice Aggregation,  
ALJ Malcolm **Commission Courtroom, San Francisco**  
Comr Peevey **(also May 24 – 27 and May 31 at 9:00 a.m.)**

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**NOTICE OF DENIAL OF REQUEST FOR EX PARTE MEETING**

*On September 20, 1996, the Commission adopted Resolution ALJ 169 regarding the "Filing of Notice of Denial of Request for Ex Parte Meeting." The resolution implements an interim procedure whereby a party whose written request for an ex parte meeting with a Commissioner has been denied will be allowed to file a notice of such denial. Copies of Resolution ALJ 169 are available from the Commission's Central Files Office at 505 Van Ness Avenue, Room 2002, San Francisco; telephone (415) 703-2045. **Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.***

NONE

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**NOTICE OF ALL-PARTY MEETINGS (PU Code § 1701.3(c))**

NONE

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**NOTICE OF EX PARTE COMMUNICATIONS**

*Copies of tendered notices are available in the Central Files Office for review and/or reproduction under existing procedures. They are also available from the filing party who is under the obligation to provide copies of the notice without delay.*

2/4/05	R01-09-001	Order instituting rulemaking on the Commission's own motion to assess and revise the new Regulatory Framework for Pacific Bell and Verizon California Incorporated.
	I01-09-002	Order instituting investigation on the Commission's own motion to assess and revise the New Regulatory Framework for Pacific Bell and Verizon California Incorporated.

**Summary:** On February 1, 2005, Tim McCallion, President – Pacific Region, Verizon California Inc. (Verizon), met with Dr. Tim Sullivan, advisor to Cmmr. Kennedy, in San Francisco. Also present were Michelle Robinson, Vice President-Regulatory, and Elaine Duncan, Vice President and General Counsel, for Verizon. McCallion stated that it was time to move forward with a new scoping memo. McCallion emphasized that the framework that results from this proceeding must be forward-looking and flexible. McCallion stated that the most efficient way to proceed would be to address key policy issues first. Additionally, McCallion discussed the Office of Ratepayer Advocates' pending NRF Audit RFP and expressed concern that it appears to be far broader than contemplated by D02-10-020.

**Filer: Verizon California Inc.**

**Contact: Sonja Killingsworth**

**Phone: (415) 474-4921**

**Email: sohja.d.killingsworth@verizon.com**

2/4/05	A01-02-024	AT&T Communications of California, Inc. and WorldCom, Inc., for the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050.
	A01-02-035	AT&T Communications of California, Inc. and WorldCom, Inc., for the Commission to reexamine the recurring costs and prices of unbundled loops in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050.
	A02-02-031	Telephone Connection Local Services, LLC (U5522-C), for the Commission to Reexamine the Recurring Costs and Prices of the DS-3 Entrance Facility Without Equipment in its Second Annual Review of Unbundled Network Element Costs pursuant to

- A02-02-032      Ordering Paragraph 11 of D99-11-050.  
AT&T Communications of California, Inc. and WorldCom, Inc.,  
for the Commission to Reexamine the Recurring Costs and Prices  
of Unbundled Interoffice Transmission Facilities and signaling  
Networks and Call-Related Databases in its Second Annual  
Review of Unbundled Network Element Costs pursuant to  
Ordering Paragraph 11 of D99-11-050.
- A02-02-034      Pacific Bell Telephone Company (U 1001 C), for the  
Commission to Re-Examine the Costs and Prices of the Expanded  
Interconnection Service Cross-Connect Network Element in the  
Second Annual Review of Unbundled Network Element Costs  
pursuant to D99-11-050.
- A02-03-002      XO California, Inc. (U 5553 C), for the Commission to Re-  
Examine the Recurring Costs of DS1 and DS3 Unbundled  
Network Element Loops provided by Pacific Bell Telephone  
Company, as and for the Commission's Second Triennial Review  
of Recurring Unbundled Network Element Costs pursuant to  
Ordering Paragraph 11 of D99-11-050.

**Summary:** On February 1, 2004, Rex Knowles, Regional Vice President of XO Communications, Inc. (XO), met with Lester Wong, advisor to Pres. Peevey, Aram Shumavon, advisor to Cmmr. Brown, Cmmr. Kennedy, and Karen Miller, advisor to Cmmr. Grueneich, in four separate meetings in San Francisco. Tim Sullivan and Karl Bemederfer, advisors to Cmmr. Kennedy, participated in the meeting with Cmmr. Kennedy. Also present was Nick Selby, outside counsel of XO and Allegiance Telecom of California, Inc. Written material (attached to the notice) was used. XO discussed the fact that it is entitled to compensation in the wake of D04-09-063 under contracts (interconnection agreement amendments) with Pacific Bell Telephone Company dba SBC California (SBC) calling for true-ups of DS1 and DS3 unbundled network element (UNE) loop prices from September 23, 2004 back to September 20, 2002. XO explained that SBC had wrongfully refused to pay XO. XO stated that true-ups are to be calculated using an adjusted shared and common cost markup factor, which should be set at 10% for true-up calculation purposes, rather than the 21 percent markup factor that was used to set UNE prices in D04-09-063. XO said that the 10 percent markup factor was more appropriate than the 15 percent markup figure identified in the alternate of Cmmr. Brown.

**Filer:** XO California, Inc., Allegiance Telecom of California, Inc.

**Contact:** Nancy Post

**Phone:** (650) 323-0990

**Summary:** On February 1, 2005, Cynthia Marshall, Senior Vice President of Pacific Bell Telephone Company dba SBC California (SBC CA), met with Aram Shumavon, advisor to Cmmr. Brown, in San Francisco. Also present were Jim Young, General Attorney & Assistant General Counsel, and David Discher, General Attorney, for SBC CA. Written material (attached to the notice) was used. SBC CA discussed the proposed decision (PD) on the 'true-up' phase of the UNE proceeding. SBC CA representatives stated that the record supports a shared and common markup of no less than 19 percent, and that there is no support in the record for a 10 percent markup as proposed in the PD or a 15 percent markup as proposed in Cmmr. Brown's alternate. SBC CA representatives noted that any change in the markup should not be made retroactive.

**Filer:** Pacific Bell Telephone Company dba SBC California

**Contact:** Thomas Selhorst

**Phone:** (415) 542-7715

**Email:** thomas.selhorst@sbc.com

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